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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,875	06/25/2001	Harold Cote	3795/0J514	9036
7590	11/15/2004		EXAMINER	
DARBY & DARBY P.C. 805 Third Avenue New York, NY 10022			NGUYEN, KIM T	
			ART UNIT	PAPER NUMBER
			3713	
			DATE MAILED: 11/15/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/891,875	COTE ET AL.
	Examiner Kim Nguyen	Art Unit 3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-34 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>8/15/01</u>	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### *Priority*

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Canada on 12/23/98. It is noted, however, that applicant has not filed a certified copy of the 2,258,809 application as required by 35 U.S.C. 119(b).

### *Claim Objections*

1. Claims 1-2, 19-20 are objected to because of the following informalities:
  - a) In claim 1, line 9, the claimed limitation "input" should be corrected to "inputted".
  - b) In claim 2, line 5, the claimed limitation "a game seed" should be corrected to "the game seed".
  - c) In claim 19, line 6, the claimed limitation "game state" should be corrected to "game states".
  - d) In claim 20, line 4, the claimed limitation "game seeds that correspond" should be corrected to "a game seed that corresponds" because as stated in claim 19, lines 9-10, each game seed corresponds to only one sequence of game states.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 11 and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 11, lines 4 and 7; and claim 31, line 4, the claimed limitation "the computer" lacks of antecedent basis.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaye (US patent No. 5,709,603) in view of Schroeder et al (US patent No. 5,791,990).

a. As per claim 1, Kaye discloses a computer gambling game comprising a computer program including a plurality of sequences of game states, each game state leads to a predetermined game outcome (col. 4, lines 14-16, 23-27, 39-41, and 45-46; and col. 10, lines 15-45); an initiator code (col. 6, lines 66-67; and col. 7, lines 1-8); the computer program being provided an initiator code, executes a sequence of game state and provides the game outcome

(col. 10, lines 15-53). Kaye does not explicitly disclose a look up table including game seeds and does not disclose retrieving a game seed from the look up table. However, Schroeder suggests including a look up table containing game seeds and retrieving the game seeds (col. 6, lines 66-67; and col. 7, lines 1-8). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement the look up table of Schroeder to the computer gambling game of Kaye in order to facilitate generating a random number to a game of chance.

- b. As per claim 2-3, indexing game seed in a database for facilitating retrieving a game seed would have been well known to a person of ordinary skill in the art at the time the invention was made. Further, relating an initiator code with the index in order to retrieve a correct seed corresponding with the program code would have been obvious design choice.
- c. As per claim 4, Schroeder discloses using an initiator code 230 (Fig. 5B) in the form of symbols (col. 6, lines 65-66).
- d. As per claim 5, Schroeder discloses an instant lottery ticket (col. 4, lines 50-51).
- e. As per claim 6, Schroeder discloses a control number to validate the outcome (Fig. 4A; col. 7, lines 8-29).
- f. As per claim 7-9, Kaye discloses verifying an entry (col. 7, lines 21-25). Further, including data for verifying purpose in a look up table, encrypting or decrypting data in a database according to an encryption key would have been well known to a person of ordinary skill in the art at the time the invention was made.
- g. As per claim 10-11, refer to discussion in claims 1-2 above.

h. As per claim 12-15, Kaye discloses writing a program on a CD-ROM (col. 7, lines 2-5).

Further, as to claims 14-15, downloading a program or an initiator code from a computer network would have been well known.

i. As per claim 16-18, Kaye discloses an adventure game (col. 8, lines 2-20). Further, implementing a casino game or a gambling game on a computer game would have been well known to a person of ordinary skill in the art at the time the invention was made.

j. As per claim 19-20, refer to discussion in claim 1 above.

k. As per claim 21, shuffling game seeds before storing the game seeds in a memory device would have been well known.

l. As per claim 22-24, refer to discussion in claims 7 and 10-11 above.

m. As per claim 25, Kaye discloses storing the initiator code (col. 3, lines 20-21). Further, storing data in a computer readable database would have been well known to a person of ordinary skill in the art at the time the invention was made.

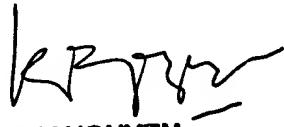
n. As per claim 26-32 and 34, refer to discussion in claims 1-6, 8, 11, and 15 above. Further, representing a code in binary format, downloading a code before inputting the code to a computer both well known and obvious design choice.

o. As per claim 33, Kaye discloses storing game outcomes in a look up table (col. 4, lines 33-35).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is (703) 308-7915. The examiner can normally be reached on Monday-Thursday from 8:30AM to 5:00PM ET. The central official fax number is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

kn  
Date: November 9, 2004



**KIM NGUYEN**  
PRIMARY EXAMINER